



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Jon Sanabria

Acting Director of Planning

March 12, 2008

TO: Leslie G. Bellamy, Chair
Wayne Rew, Vice Chair
Esther L. Valadez, Commissioner
Harold V. Helsley, Commissioner
Pat Modugno, Commissioner

FROM: Mitch Glaser, AICP, Supervising Regional Planner
Countywide Studies Section

**SUBJECT: March 25, 2009 – AGENDA ITEM #7
PROJECT NO. 2009-00022-(1-5)
ENVIRONMENTAL ASSESSMENT CASE NO. 2009-00022-(1-5)
AMENDMENT TO TITLE 22 (ZONING ORDINANCE) OF THE COUNTY
CODE TO MODIFY THE DEVELOPMENT STANDARDS AND
PERMITTING PROCEDURES FOR WINERIES AND TASTING ROOMS.**

BACKGROUND

In September of 2000, the Los Angeles County Board of Supervisors approved an ordinance to permit wineries on agricultural parcels. Because this ordinance was the first to permit wineries outside of industrial zones, the standards established in 2000 were designed to be restrictive, requiring full public hearings for all but the most limited types of small scale production.

On June 10, 2008, the Board of Supervisors directed the Department of Regional Planning to re-visit the ordinance and consider changes intended to eliminate significant barriers for small wine businesses, at the request of the winery and vineyard owners of Los Angeles County. On August 25, 2008, after research into current standards, surrounding county approaches and investigations into the barriers currently faced by County winegrowers, the Department of Regional Planning submitted the "Winery Report: Evaluation of Current Zoning and Recommendations" to the Board. On October 7, 2008 the Board approved the report and adopted a motion instructing the Director of Planning to modify standards and procedures pertaining to wineries, and present the ordinance to the Regional Planning Commission for a public hearing within 90 days. An extension was granted in January of 2009 to allow additional staff time for public outreach and environmental review.

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The resulting Wineries and Tasting Rooms Ordinance, presented as Project 2009-0022-(1-5), is a series of modifications to standards and procedures for wineries and tasting

rooms that are consistent with the directives of both the Board of Supervisors and the Los Angeles County General Plan.

The Wineries and Tasting Rooms Ordinance modifies definitions for wineries and tasting rooms so that both uses are defined in greater alignment with State standards for alcohol licensing. It establishes clear development standards, operating standards, and permit requirements for wineries, tasting rooms, and remote tasting rooms, organized as a stand-alone part within Title 22. The ordinance also more clearly reflects the differing standards that should be applied to wineries and tasting rooms in agricultural zones versus commercial and agricultural zones. This approach allows greater flexibility for the small business owner, while ensuring that the standards for wineries retain compatibility towards surrounding uses.

This ordinance also allows wineries which do not offer tasting rooms or facilities to serve the general public as a permitted use in Zones M-1, M-2, M-3, M-4, C-M, R-R and A-2 (R-R and A-2 are permitted if they do not exceed production cap of 5,000 cases per year). In addition, wineries in Zone A-1 are allowed as a use subject to permit. This represents an expansion of zones in which wineries are permitted.

The Wineries and Tasting Rooms Ordinance also establishes tasting rooms as uses that are conditioned separate from wineries, with standards that focus more specifically on directing the commercial activities and safety concerns in an appropriate manner. While all tasting rooms will be subject to discretionary review, there have been several significant procedural changes that would simplify application for a tasting room, including permitting applicants who adhere to the standards set forth for tasting rooms to apply for a Minor Conditional Use Permit. In addition, the ordinance establishes stand-alone tasting rooms or "remote tasting rooms" for the first time, and expands the location of these remote tasting rooms into the commercial zones of C-1, C-2, C-3 and C-M.

OUTREACH

In preparation for the hearing, 605 notices were sent to members of Town Councils and other stakeholder groups in the North County and Santa Monica Mountains, as well as individuals on the Department's "courtesy lists" for Zoned Districts in the North County and Santa Monica Mountains. On January 29, 2009, staff traveled to Lancaster and made a presentation on the draft ordinance before the Association of Rural Town Councils. In addition, a one-eighth page display ad was published in *The Antelope Valley Press*, a newspaper of general circulation serving the Antelope Valley, and the draft ordinance, Initial Study, and Negative Declaration were made available for review on the Department's web site as well as at County Libraries in Valencia, Malibu and Lancaster.

CONSISTENCY WITH GENERAL PLAN

Policy 21 of the Land Use Element of the General Plan states: "Protect identified Potential Agricultural Preserves by discouraging inappropriate land division and allowing only used types and intensities compatible with agriculture." Policy 22 states: "In non-urban areas outside of Potential Agricultural Preserves, encourage the retention and expansion of agriculture by promoting compatible land use arrangements and providing technical assistance to involved farming interests." (Page III-14) In addition, while the Potential Agricultural Preserves were a voluntary designation never fully implemented (General Plan III-50), they establish a clear policy desire to "preserve or protect" "large contiguous land areas either devoted to agricultural production or highly suitable for agricultural use due to the presence of favorable growing conditions." The Wineries and Tasting Rooms Ordinance was designed to be supportive of agriculture, in consistency with the directives of Policies 21 and 22 of the Land Use Element of the General Plan, by easing the overall burden of expenses on small agricultural producers and simplifying the winery application process.

Policy 13 of the Economic Development Element of the General Plan states: "streamline administrative procedures for granting development approvals and permits and establish time limits for decisions." Policy 14 requests that staff "periodically review and update regulations, ordinances, codes and standards and strive to minimize their impact on development costs, delays and uncertainty, and the unnecessary consumption of scarce land resources." (Page VII-40) The Wineries and Tasting Rooms Ordinance is a revision of regulations on wineries that aims to minimize costs, delays and uncertainty by streamlining and clarifying the procedures and standards for wineries and tasting rooms.

In addition the creation of a definition for tasting rooms is supportive of the General Plan's a stance towards visitor industries which says, "the visitor industry is a source of jobs, income and tax revenues. It is relatively non-polluting and benefits merchants of goods and services throughout the County (Page VII-41)."

ENVIRONMENTAL DOCUMENTATION

Staff prepared an Initial Study for this project in compliance with the California Environmental Quality Act and the environmental reporting procedures of the County of Los Angeles. The Initial Study showed that there is no substantial evidence that the project will have a significant effect on the environment. Based on the Initial Study, a Negative Declaration has been prepared for this project.

The Initial Study and Negative Declaration were made available to responsible agencies and the public for the required 30-day review period.

STAFF RECOMMENDATION

Staff recommends that the Regional Planning Commission adopt the attached resolution and forward Project No. 2009-00022-(1-5) to the Board of Supervisors for consideration in a public hearing.

RECOMMENDED MOTIONS

I move that the Regional Planning Commission close the public hearing and approve the Negative Declaration.

I move that the Regional Planning Commission adopt the attached resolution and forward Project No. 2009-00022-(1-5) to the Board of Supervisors for consideration in a public hearing.

Please find all pertinent documents attached. Should you have any questions, please contact me at (213) 974-6476 or mglaser@planning.lacounty.gov.

MWG:eh

Attachments:

1. Resolution for Commission Adoption
2. Ordinance for Commission Adoption
3. Initial Study and Negative Declaration
4. Board of Supervisors Motion -- July 10, 2008
5. Department of Regional Planning Wineries Report August 25, 2008
6. Board of Supervisors Motion -- October 7, 2008
7. Summary Handout presented to the Association of Rural Town Councils, January 29, 2009
8. Written Correspondence
9. Media Coverage- August 27, 2008